IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 4894 of 2005

Between:

Sri Thummala Babu Rao S/o. Kotaiah
R/o. Door No. 6-10-84, 10th Line, Arandalpet, Guntur,

Guntur District.

..... PETITIONER

AND

1 The District Level Committee for Sand Auctions,

Guntur District,
Zilla Parishad Compound, Guntur, Rep. by its Chairman.
2 The Member Convenor, District Level Committee-Cum-

District Panchayat
Officer, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring action of the respondents in not extending the lease for a period of 12 days to quarry sand from Reach No.2 of Prathuru Village, Tadepalli Mandal, Guntur District, between 4.464 KM to 7.344 KM on the Right Flood Bank of Krishna River, as arbitrary, illegal, discriminatory, non-exercise of power and violative of the Fundamental Right guaranteed under Article 19(1)(g) of the Constitution of India and violative of the A.P. Minor Mineral Concession Rules, 1966 and consequently direct the respondents to extend the lease period as prayed for and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.C.V.MOHAN REDDY
Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage made the following :

ORDER:

Petitioner was granted the sand quarry lease on Reach No.2 of Krishna near Prathuru Village, Thadepalli Mandal, Krishna District, for the year 2004-05. The lease ended by 10.03.2005. According to the petitioner he was required to stop quarrying for a period of twelve days during Krishna Pushkaram. His grievance is that though the district level committee had extended the lease period by twelve days, in respect of various lessees, similar treatment was not accorded to him. Petitioner states that he submitted a representation dated 01.03.2005, requesting the respondents to grant necessary extension, and complains that no action has been taken thereon. He relies upon a letter of the Panchayat Secretary of the Village.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj.

It is not in dispute that the lease in favour of the petitioner expired on 10.03.2005. He seeks extension by twelve days, on the ground that he required to stop quarrying during Krishna Pushkaram. The question as to whether the petitioner is entitled for extension would depend upon the nature of instructions issued by the respondents, or the circumstances, under which the petitioner is said to have stopped quarrying. This Court cannot record any finding. It is for the respondents to take appropriate decision in the matter. Inasmuch as the lease had expired with effect from yesterday, the matter needs to be attended to without any further delay.

Hence, the writ petition is disposed of directing the respondents to pass appropriate orders on the representation made by the petitioner, within a period of ten days from

the date of receipt of a copy of this order. There shall be no order as to costs.

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(L.NARASIMHA REDDY,J)

Date: 11-03-2005

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To

1 The District Level Committee for Sand Auctions,

Guntur District,
Zilla Parishad Compound, Guntur, Rep. by its Chairman.

2 The Member Convenor, District Level Committee-Cum-

District Panchayat
Officer, Guntur District.

3 Two CCs to the G.P for Panchayat Raj and Rural

Development, High Court Buildings, Hyderabad(O.U.T).

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